

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT MARTINSBURG**

DAVID C. ADAMS,

Plaintiff,

v.

**CIVIL ACTION NO. 3:04CV124
(BROADWATER)**

**JO ANNE B. BARNHART,
Commissioner of the Social
Security Administration,**

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day the above styled case came before the court for consideration of the Report and Recommendation of Magistrate Judge John S. Kaull, entered December 21, 2005. The plaintiff did not file objections to the Report. After reviewing the above, the Court is of the opinion that the Magistrate Judge's Report and Recommendation should be and is hereby **ORDERED** adopted.

The Court further **ORDERS** that the Defendant's Motion for Summary Judgment be **GRANTED** and the Plaintiff's Motion for Summary Judgment be **DENIED** based on the reasons set forth in the Magistrate Judge's Report and Recommendation. It is further **ORDERED** that this action be and is hereby **STRICKEN** from the active docket of this Court.

The Clerk is directed to transmit true copies of this Order to the petitioner and all counsel of record herein.

DATED this 3rd day of February 2006.


W. CRAIG BROADWATER
UNITED STATES DISTRICT JUDGE